

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-5 are pending in this application.

With respect to the rejection of claims 1-5 under 35 USC 112, first paragraph, the Examiner notes at the bottom of page 2, that the prior Amendment provided for amending around the rejection by including a specific polyoxyalkylene arylphenyl ether, the sulfate or phosphate salt of polyoxyethylene tristyrylphenyl ether.

Wherein it is not clear that the Examiner has withdrawn the rejection, the applicants further point out that that polyoxyethylene tristyrylphenyl ether sulfate ammonium salt is the product in Examples 1-10 and 12, although the amounts of constituents and degree of sulfonation or polymerization may change.

Polyoxyethylene tristyrylphenyl ether phosphate potassium salt is the product in Example 11. Thus, more than polyoxyethylene tristyrylphenyl ether sulfate ammonium salt is disclosed in the working examples. The compounds disclosed in the examples are a sulfate ammonium salt and a phosphate potassium salt which supports the claim 1 recitation of the compounds of a polyoxyethylene tristyrylphenyl ether sulfate salt and a polyoxyethylene tristyrylphenyl ether phosphate salt.

Accordingly, the specification discloses both compositions including polyoxyethylene tristyrylphenyl ether sulfate ammonium salt (Examples 1 to 12) and that including polyoxyethylene tristyrylphenyl ether phosphate potassium salt (Example 11) exhibit good properties as indicated in Table 1 (page 21 of the subject specification).

In consideration of their chemical structures, the sulfate salt and the phosphate salt have a common chemical structure of polyoxyethylene tristyrylphenyl ether covalently

linking with a hydrophilic group (sulfate group or phosphate group). Therefore, the applicants submit that the subject specification discloses evidence that a surfactant derived from polyoxyethylene tristyrylphenyl ether covalently linking with a hydrophilic group exhibits substantially same effect in the composition of the present invention. It is generally understood by a person of ordinary skill in the art that all the salts of sulfate group and phosphate group act as a hydrophilic group.

Accordingly, the applicants submit that all presently considered claims are fully allowable under Section 112, first paragraph. Withdrawal of this rejection is respectfully requested.

The applicants respectfully traverse the rejection of claims 1-5 under 35 USC 103(a) over Suwa et al., in view of Suzuki et al. and in further view of Deming et al. None of the cited references taken alone or in combination make the presently claimed invention to be obvious.

The Office Action refers to the examples in Suzuki et al. teaching the combination of the disclosed pestidal ingredients, tristyrylphenyl ether with ethylene oxide and sodium ligninsulfonate. The applicants respectfully submit that the foregoing results from a misunderstanding of the content of the reference.

Indeed, "tristyryl phenyl ether added thereon with ethylene oxide" is used in Examples 1 to 3 in Suzuki. However, this compound is entirely different from "a polyoxyethylene tristyrylphenyl ether sulfate salt" or "a polyoxyethylene tristyrylphenyl ether phosphate salt" of the presently claimed invention as, for instance, recited in present claim 1. Please be aware that polyoxyethylene tristyrylphenyl ether sulfate salt and phosphate salt have sulfate or phosphate group which are covalently linked to

polyoxyethylene tristyrylphenyl ether, while "tristyryl phenyl ether added thereon with ethylene oxide" does not have such a group.

As a result, the applicants assert that a person of ordinary skill in the art would understand that there are significant differences in the actions of the compounds as an ingredient of the compositions.

Therefore, Suzuki et al. does not disclose any teaching or provide any suggestion regarding the combination of a lignosulfonate surfactant and polyoxyethylene tristyrylphenyl ether sulfate salt or phosphate salt.

Moreover, the applicants submit that a person of ordinary skill in the art would not find any teachings in Suzuki et al. and in Deming that would led to combining them with the teachings of Suwa et al. to arrive at the presently claimed invention. There is no teaching, disclosure, motivation or reasonable expectation of success to combine the teachings of Suzuki and Deming with Suwa to result in the presently claimed invention. The applicants assert that the present combination of references is not tenable and should accordingly be withdrawn.

Even if the teachings of the cited references are combined then such combination would not make the presently claimed invention to be obvious for the several reasons discussed above.

The applicants submit that the presently claimed invention is fully allowable under 35 USC 103(a) in view of the cited prior art.

In view of the above, it is believed that this application is in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,

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